

In addition to those causes of action contained in *Plaintiffs' Master Long Form Complaint*, where certain claims require specific pleadings and/or amendments, Plaintiffs shall add and include them herein.

Identification of Plaintiffs:

Identification of Defendants:

7. Plaintiff/Decedent are suing the following Defendants (please check all that apply):

- ✓ Johnson & Johnson
- ✓ Johnson & Johnson Consumer Inc.

Additional Defendants:

- ✓ Other(s) Defendant(s) (please specify): LTL Management, LLC., Johnson & Johnson Holdco (NA) Inc., Janssen Pharmaceuticals, Inc., and Kenvue, Inc.

JURISDICTION & VENUE

Jurisdiction:

8. Jurisdiction in this Short Form Complaint is based on:

- ✓ Diversity of Citizenship

____ Other (The basis of any additional ground for jurisdiction must be pled in sufficient detail as required by the applicable Federal Rules of Civil Procedure): _____

Venue:

9. District Court and Division in which venue was proper where you might have otherwise filed this Short Form Complaint absent the direct filing Order entered by this Court and to where remand could be ordered by the Judicial Panel for trial: U.S. District Court for the District of North Dakota, Bismark Division.

CASE SPECIFIC FACTS

10. Plaintiff, Zachary Upchurch currently resides at 426 1st Street, W, Stanley, Mountrail County, North Dakota.

11. At the time of the Plaintiff/Decedent's diagnosis with a talcum powder products injury, Plaintiff/Decedent resided in Williston, Williams County, North Dakota.

12. The Plaintiff/Decedent was diagnosed with a talcum powder products injury in Williston, North Dakota on or about May 2017.

13. To the best of Plaintiff's knowledge, Decedent began using talcum powder products on or about 1980 and continued the use of talcum powder products through about December 2017.

14. The Plaintiff/Decedent purchased talcum powder products in the following state(s): North Dakota.

15. Plaintiff/Decedent used the following talcum powder products:

- ✓ Johnson & Johnson's Baby Powder
- ✓ Shower to Shower

16. Plaintiffs hereby adopt and incorporate by reference the *Master Long Form Complaint and Jury Demand* as if fully set forth herein.

17. The following claims and allegations asserted in the *Master Long Form Complaint and Jury Demand* are herein adopted by reference by Plaintiff:

- _____ Count I: Products Liability – Strict Liability – Failure to Warn (Against Imerys Talc)
- ✓ Count II: Products Liability – Strict Liability – Failure to Warn (Against the Johnson & Johnson Defendants)
- _____ Count III: Products Liability – Strict Liability – Defective Manufacturer and Design (Against Imerys Talc)
- ✓ Count IV: Products Liability – Defective Manufacturer and Design (Against the Johnson & Johnson Defendants)
- ✓ Count V: Breach of Express Warranties (Against the Johnson & Johnson Defendants)
- ✓ Count VI: Breach of Implied Warranty of Merchantability (Against the Johnson & Johnson Defendants)
- ✓ Count VII: Breach of Implied Warranty of Fitness for a Particular Purpose (Against the Johnson & Johnson Defendants)

- ____ Count VIII: Negligence (Against Imerys Talc)
- ✓ Count IX: Negligence (Against the Johnson & Johnson Defendants)
- ✓ Count X: Negligence (Against PCPC)
- ✓ Count XI: Negligence Misrepresentation (Against the Johnson & Johnson Defendants)
- ✓ Count XII: Fraud (Against the Johnson & Johnson Defendants)
- ✓ Count XIII: Fraud (Against PCPC)
- ✓ Count XIV: Violation of State Consumer Protection Laws of the State of New York and Florida (Against the Johnson & Johnson Defendants).
- ____ Count XV: Fraudulent Concealment (Against Imerys Talc)
- ✓ Count XVI: Fraudulent Concealment (Against the Johnson & Johnson Defendants)
- ____ Count XVII: Fraudulent Concealment (Against PCPC)
- ✓ Count XVIII: Civil Conspiracy (Against All Defendants)
- ____ Count XIX: Loss of Consortium (Against All Defendants)
- ✓ Count XX: Punitive Damages (Against All Defendants)
- ✓ Count XXI: Discovery Rule and Tolling (Against All Defendants)
- ✓ Count XXII: Wrongful Death (Against All Defendants)
- ✓ Count XXIII: Survival Action (Against All Defendants)

____ Furthermore, Plaintiff(s) assert the following additional theories and/or State Causes of Action against Defendant(s) identified in Paragraph nine (9) above. If Plaintiff(s) include additional theories of recovery, to the extent they require specificity in pleadings, the specific facts and allegations supporting these theories must be pled by Plaintiff(s) in a manner complying with the requirements of the Federal Rules of Civil Procedure.

WHEREFORE, Plaintiffs pray for relief and judgment against Defendants of compensatory damages, punitive damages, interest, costs of suit, and such further relief as the Court deems equitable and just, and as set forth in the Master Long Form Complaint as appropriate.

JURY DEMAND

Plaintiffs hereby demand a trial by jury as to all claims in this action.

Dated: August 25, 2023

Respectfully submitted:

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